

Monitoring Policy

Aged Care Quality and Safety Commission

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Australian Government
Aged Care Quality and Safety Commission

Engage
Empower
Safeguard



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1. Introduction

The Aged Care Quality and Safety Commission (Commission) protects the safety, health, wellbeing and quality of life of older people accessing aged care services. We work with and educate the aged care sector to build confidence and trust in Australian Government-funded aged care.

When we talk about the aged care sector, it includes:

- registered providers (providers)
- aged care workers (workers)
- responsible persons
- digital platform operators.

We reinforce their responsibility to meet their obligations, conditions and duties (obligations) and manage risks under the *Aged Care Act 2024* (Aged Care Act). We supervise providers using a tailored combination of education, engagement and regulatory action in line with our [Regulatory Strategy](#). Our Regulatory Strategy explains how we safeguard older people while supporting providers and workers to deliver safe and quality care.

The Aged Care Act sets the safeguarding functions of the Aged Care Quality and Safety Commissioner (Commissioner) including:

- supporting the rights of older people under the Statement of Rights
- protecting and improving the safety, health, wellbeing and quality of life of older people accessing funded aged care services
- encouraging continuous improvement
- protecting continuity of care of older people.

To carry out these functions we use our monitoring or investigation powers under the Aged Care Act and the *Regulatory Powers (Standard Provisions) Act 2014* (Regulatory Powers Act). The Statement of Principles in the Aged Care Act emphasises regulating aged care in a way that:

- responds to and is in proportion to the level of risk for older people
- focuses on risk prevention
- prioritises areas of highest risk for timely action.

Our Monitoring Policy supports us to do this.



2. Objectives of monitoring

Monitoring is a regulatory activity to collect information about provider or worker compliance with their obligations under the Aged Care Act. Monitoring helps us understand if risks and harms to older people are being managed.

We use a range of monitoring tools, including education, engagement, regulation and enforcement.



3. Monitoring and investigation

We monitor and investigate to quickly respond to risks and harms to older people. This involves identifying and following the most effective processes to manage risk and address non-compliance.

3.1 Who we monitor and investigate

3380011 We reinforce providers' and workers' responsibilities to meet their obligations under the Aged Care Act. Providers and workers that we monitor and investigate include:

- providers across all registration categories, including any services their associated providers deliver
- workers, including responsible persons
- digital platform operators who operate a mobile application, website or system that people use to access aged care services.



3.2 Our information gathering powers under the Aged Care Act

The Aged Care Act allows us to:

- request information or documents
- require a person to give us any information or produce any documents
- require a person to attend a meeting with an authorised Commission officer to answer questions or give information or documents
- give a provider a written notice directing them to investigate a matter and report back to us.

3.3 Our monitoring and investigation powers under the Aged Care Act and Regulatory Powers Act

Monitoring powers (search and entry)

Monitoring powers under Part 2 of the Regulatory Powers Act include:

- information gathering powers. These powers allow us to collect information to:
 - monitor if providers and workers are complying with their obligations
 - make sure the information they give us is accurate
- entering the premises for monitoring purposes. We can only enter:
 - with consent from the occupier of the premises, or
 - by monitoring warrant, or
 - under a Commissioner certificate.

Investigation powers (search, entry and seizure)

We may need to use our investigation powers under Part 3 of the Regulatory Powers Act when we:

- have information that shows that a provider or worker has, or is suspected to have, contravened (breached) an offence provision or a civil penalty provision under the Aged Care Act
- need to collect evidence
- need to enter the premises for the purpose of an investigation.

We can only enter:

- with consent from the occupier of the premises, or
- by investigation warrant, or
- under a Commissioner certificate.



4. Our monitoring and investigation activities

Our monitoring methods are used to determine if a provider or worker is complying with their obligations and to protect the wellbeing of older people. Our methods include:

- visiting a provider's offices or care delivery location
- contacting the provider or worker directly.

Our monitoring actions include:

- targeted enquiry
- targeted review
- inspections
- investigations

We use the most effective action to address risk and non-compliance.

4.1 Targeted enquiry

We use a targeted enquiry to collect and verify information to assess possible risks or harm. This includes engaging with a provider or worker to obtain additional information to:

- check facts and verify both internal and external information
- decide if there are any unmanaged risks that need to be escalated for further intervention or monitoring
- assess information to help clarify possible risk factors.

4.2 Targeted review

We use targeted reviews as a preventative response to risks we have identified. They address possible risks or non-compliance while educating and supporting providers to keep improving.

A targeted review program is often part of a regulatory campaign, for example, the food, nutrition and dining campaign.

How we use the outcomes of targeted reviews

- We engage with and educate providers on their performance to continuously improve or achieve compliance.
- We report the outcomes to the sector to be transparent and to encourage continuous improvement. This leads to better provider and worker compliance and more trust in the sector.



- We use targeted review findings to develop in-person and online guidance and educational resources for the sector.
- We base our sector performance strategies on our learnings from internal reporting. This helps us improve sector knowledge on specific risks and leads to more tailored and effective regulatory interventions.

4.3 Inspection

Purpose

Inspections are site-based and are undertaken by authorised Commission officers. They confirm if there are risks and the extent of risks and harms to older people. Inspections seek assurance that providers or workers are managing risks to older people. If they find unmanaged risks, they may take further regulatory action to put in place strategies to reduce these risks and demonstrate compliance.

Objectives

Work directly with providers to ensure they are:

- managing severe and immediate harm or risks in a timely way and stopping them from happening again
- assess provider and worker compliance with their obligations through direct engagement and gathering information and evidence on site
- assess if a provider or worker is effectively addressing any areas of previously identified non-compliance
- evaluate how effective the actions of the provider or worker are to address the risk to see if they have fixed their risk controls.

When we conduct an inspection

- When we are concerned there are high levels of risk or potential harm to older people, for example, from a serious incident response notification, complaint or feedback.
- When a provider or worker is not complying (or is suspected of not complying) with their obligations and there is a risk to the safety and wellbeing of older people.
- When it is the right way to seek assurance when managing risk.

Outcomes

When we identify risk or non-compliance, we expect to be given assurance that:

- the risk is being managed, for example, effective risk controls are in place
- providers are committed to complying with their obligations.



Risk assurance

When we detect risk during an inspection, we may:

- ask the provider or worker to explain how and when they will set up appropriate risk controls, if we find their current risk processes are not fully effective
- start immediate actions to reduce risk on the day if necessary. For example, we may require a provider to take specific actions to respond to a complaint or serious incident, or we may issue a non-compliance notice.

Compliance

We may decide to take further action if:

- we identify serious or system-wide non-compliance or risk
- the provider or worker does not take action to become compliant.

Further action may include conducting an investigation or taking enforcement action.

4.4 Investigation

Purpose

Investigations are detailed evidence-gathering activities in response to serious allegations of non-compliance or conduct (behaviour) that could be a significant risk or harm to older people.

We may use our regulatory powers for investigations, such as the investigation powers under Part 3 of the Regulatory Powers Act.

The tools we use to investigate depend on the sections of the Aged Care Act that relate to the non-compliance.

We do not need a provider's or worker's consent for this heightened monitoring response to collect evidence. An investigation aims to collect enough evidence to support enforcement actions.

Investigations hold providers and workers accountable for meeting their obligations under the Aged Care Act.

When we investigate

- When we are considering an enforcement action and when there is evidence of serious risk or harm that has happened.
- For an offence or civil penalty provision under the Aged Care Act or an offence provision under the *Crimes Act 1914*.



5. How we conduct a monitoring activity

5.1 Announced and unannounced activities

We conduct both announced and unannounced risk-based monitoring activities with providers and workers. Unannounced visits may be undertaken when there is a heightened risk of harm to an older person or where the nature of the evidence required is best collected without prior notice.

When a monitoring activity is announced, we will notify the provider or worker in advance.

5.2 Information gathering

We can use an information request to collect evidence. This gives providers and workers the opportunity to show how willing and able they are to work with us and to encourage a culture of self-reporting.

We communicate clear timeframes to provide information or documents when we make an information request. Depending on the circumstances, we may use regulatory powers to compel them to provide the information or documents.

5.3 Collect evidence

The type of evidence we collect depends on the evidence we need to verify risk or harm to older people. We can collect evidence over the phone, electronically or in person.

We collect, review and analyse evidence based on the risk of harm to older people. For example, if the information we find shows that a harm has occurred, then we need to collect, review and analyse evidence quickly so that we can intervene immediately to control or reduce the risk.

We follow lawful and fair procedures to gather evidence relevant to any decision.

5.4 Assess evidence

We consider information and evidence when assessing a provider or worker is complying with their obligations under the Aged Care Act.

- Assessing evidence helps us understand the effectiveness of the risk controls in place to prevent risk or respond to harm. This informs our view of the seriousness of the risk.
- We assess the evidence based on its credibility, relevance and significance to the risk or harm to older people. This includes the provider's systems and processes, and responses to identified risks or harms.



5.5 Make and share findings

We undertake monitoring activities to seek assurance that providers and workers are managing risks and to determine if they are complying with their obligations under the Aged Care Act.

Our assessment of evidence will lead us to make a finding about whether a provider is managing risk and complying with their obligations under the Aged Care Act.

We communicate findings clearly and objectively with the provider or worker at the time of the activity. We explain key observations and any areas of concern with supporting evidence. We give the provider or worker an opportunity to respond and provide input.

Our communication involves working to agree on the facts as they relate to the findings. This makes sure we are transparent and clear. While there may be disagreement on the facts that relate to findings, discussion is essential to make sure that everyone receives a fair hearing and that we maintain clear records of any disputed facts.

Disputes with our findings do not change our responsibility to apply appropriate regulatory responses to prevent or reduce risk or harm to older people. This is vital to prevent or reduce the risk or harm from happening (or from reoccurring).

5.6 Outcomes

After making a finding, we then make recommendations about what should happen next. There are a range of possible recommendations that can happen during or after a monitoring or investigation activity.

Our recommendations must be evidence-based, objective, proportionate to the level of risk or harm to older people and timely. They should support the objectives and desired outcomes of the monitoring activity while safeguarding and upholding the rights of older people receiving care.

We base our recommendations on the evidence we have collected and reviewed. For example, we may:

- **take no immediate further action** – if we are satisfied the provider or worker is complying with their obligations
- **suggest areas for improvement** – if we identify systems, processes or practices that can be improved
- **require the provider to investigate the matter further** and report back to us in a specified timeframe
- **require the provider to fix what went wrong** and provide evidence to demonstrate it will not happen again.



If we determine a provider or worker is non-compliant with their obligations under the Aged Care Act, we can use a range of regulatory responses. These include:

- supporting providers and workers to manage risks or harms and address concerns they identify themselves through the Commission's engagement and educative functions
- undertaking further targeted monitoring actions, such as a further inspection, to ensure improvements are being made to ensure compliance
- issuing compliance notices or entering into an enforceable undertaking to compel action from a provider to remedy their non-compliance
- escalating to enforcement action if:
 - the provider or worker is unwilling or unable to deliver sustainable solutions
 - there is an unacceptable or system-wide failure in care.

Enforcement actions may include:

- issuing banning orders or infringement notices
- seeking civil penalties (fines) or injunctions (orders) through the courts
- referring a matter for criminal prosecution
- varying, revoking or suspending a provider's registration.

You can find out more in our [Compliance and Enforcement Policy](#).

Reason for decision

We explain to the provider or worker our reason for the decision, and whether they are complying with their obligations. We also outline what we expect them to do to address any risk or harm.

We provide reasons for a decision to enable the provider or worker affected by the decision to:

- understand why we made the decision
- decide whether to ask for a review of, or to appeal the decision and to identify the grounds for the review or appeal.

Evaluate and reflect on outcome

After we complete a monitoring or investigation activity, we assess the impact and outcome of the regulatory decision. We want to make sure it was evidence-based, timely, legally defensible and focused on safeguarding older people.

We identify any learnings to improve our regulatory capabilities and understanding of risks and harm, and how they relate to compliance with the Aged Care Act. Reflecting on the outcome may identify information or risks that need further risk assurance or regulatory action. We can also use the outcome of monitoring or investigation to support improvements to our processes, and how we guide and support the sector.



6. Policy and legislative framework

Legislation

- [Aged Care Act 2024](#)
- [Regulatory Powers \(Standard Provisions\) Act 2014](#)

Commission policies

You should read this policy with our [Regulatory Strategy 2025/26](#), [Glossary of Terms](#) and these operational policies:

- [Provider Registration Policy](#)
- [Provider Governance Policy](#)
- [Provider Supervision Policy](#)
- [Compliance and Enforcement Policy](#)
- [Managing Whistleblower Disclosures Policy](#)
- [Complaints Handling Policy](#)

Resources

- [Inspection Fact Sheet](#)

7. Contact

You can give us your feedback on this document and suggestions for improvements by using the email below (include the policy name in the subject line) or call the phone number.

To: info@agedcarequality.gov.au

Subject: Monitoring Policy

Phone number: 1800 951 822



Phone
1800 951 822



Web
agedcarequality.gov.au



Write
Aged Care Quality and Safety Commission
GPO Box 9819, in your capital city